

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND

Baltimore Division

In re:)	
)	CHAPTER 7
DAVID BO HYEON LIM)	
AKA BO HYEON LIM)	
)	CASE No. 09-27116-DWK
Debtor.)	
_____)	
)	
THE BANK OF NEW YORK MELLON,)	
FKA THE BANK OF NEW YORK AS)	
SUCCESSOR IN INTEREST TO JP)	
MORGAN CHASE BANK NA AS)	
TRUSTEE FOR CREDIT SUISSE FIRST)	
BOSTON MORTGAGE BACKED PASS-)	
THROUGH CERTIFICATES 2003-21)	
)	
Movant,)	
)	
v.)	
)	
DAVID BO HYEON LIM)	
AKA BO HYEON LIM)	
)	
AND)	
)	
GEORGE W. LIEBMANN, TRUSTEE,)	
)	
Respondents.)	

MOTION SEEKING RELIEF FROM STAY

Comes now The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JP Morgan Chase Bank NA as Trustee for Credit Suisse First Boston Mortgage Backed Pass-Through Certificates 2003-21, (“noteholder”), by Counsel, and moves this Honorable United States Bankruptcy Court for Relief from the Stay imposed by 11 U.S.C. Section 362(a), and in support thereof, states as follows:

1. That this Motion is filed pursuant to 11 U.S.C. Section 362(d) and Rules 4001 and 9014 of the Bankruptcy Rules, as hereinafter shall more fully appear.

2. That noteholder is a secured creditor of the Debtor whose claim is based upon a certain Note dated January 24, 2003 in the principal amount of \$585,600.00 and executed by David Bo Hyeon Lim aka Bo Hyeon Lim, the Debtor herein. The unpaid principal balance due under said Note as of September 22, 2009, including interest at the Note rate of 6.250% per annum, late charges, attorney's fees and trustee's fees and costs for a cancelled foreclosure sale, was approximately \$536,461.59. A copy of said Note is attached hereto, marked as Exhibit B, and expressly made a part hereof, as is a total debt settlement, marked as Exhibit A. Repayment of said Note is secured by that certain Deed of Trust dated January 24, 2003 and recorded in Book 3102 at Page 0199 among the land records of Bucks County, Pennsylvania, by which David Bo Hyeon Lim aka Bo Hyeon Lim conveyed to Cardinal Financial Company, Ltd. Partnership, Trustee, the subject property, which is located at 611 River Road, Yardley, PA 19067 and which is more particularly described in the Deed of Trust. A copy of said Deed of Trust is attached hereto, marked as Exhibit B-1, and expressly made a part hereof.

3. That Wells Fargo Bank, N.A. is the servicer for the loan held by the noteholder.

4. That on September 11, 2009, the United States Bankruptcy Court for the District of Maryland entered an Order for Relief under 11 U.S.C. Chapter 7 upon a petition filed by David Bo Hyeon Lim aka Bo Hyeon Lim, Case No. 09-27116-DWK.

5. That no payments have been made on the Deed of Trust Note since the May 2009 payment was applied; therefore, repayment of the Note is in default.

6. That the property was assessed, for 2009 tax assessment purposes, at a value of \$58,400.00, which indicates that, in the event of a forced sale, there would not be any excess equity after the payment of the administrative costs of sale, the liens on the property, any exemptions of the Debtor and any co-obligor share for the benefit of the other creditors of the estate and, therefore, cause exists for the lifting of the Stay of 11 U.S.C. Section 362(a).

7. That by reason of the foregoing, the undersigned lacks adequate protection for its security interest and is, and continues to be, irreparably harmed by the continuation of Stay of 11 U.S.C. Section 362(a) and that therefore cause exists for the termination thereof.

WHEREFORE, the undersigned respectfully moves this Honorable United States Bankruptcy Court for entry of an Order granting it, its successors and/or assigns or current noteholder Relief from the Stay of 11 U.S.C. Section 362(a) so that the undersigned may proceed to enforce the perfected security interest in the subject property.

THE BANK OF NEW YORK MELLON,
FKA THE BANK OF NEW YORK AS
SUCCESSOR IN INTEREST TO JP
MORGAN CHASE BANK NA AS
TRUSTEE FOR CREDIT SUISSE
FIRST BOSTON MORTGAGE
BACKED PASS-THROUGH
CERTIFICATES 2003-21

By: /s/ Brian S. McNair
Of Counsel

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By: /s/ Brian S. McNair
Brian S. McNair
Federal Bar No. 25270
Of Counsel to The Bank of New York Mellon, fka The Bank of New York as
Successor in interest to JP Morgan Chase Bank NA as Trustee for Credit Suisse
First Boston Mortgage Backed Pass-Through Certificates 2003-21

I hereby certify that on the 8th day of October, 2009, a true copy of the foregoing
Motion Seeking Relief from Stay was mailed, postage prepaid, to:

David Bo Hyeon Lim - Debtor
13135 Hidden Acres Lane
Bishopville, MD 21813

And electronically transmitted to:

George W. Liebmann - Trustee
Liebmann & Shively
8 W. Hamilton Street
Baltimore, MD 21201

Jeffrey M. Sirody - Counsel for Debtor
Sirody, Freiman & Feldman
1777 Reisterstown Road Suite 360 E
Baltimore, MD 21208

/s/ Brian S. McNair
Brian S. McNair